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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,528	02/09/2001	Robert W. Gilbert	BRI-00027-PRA	8380

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Warn IP Law Office  
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EXAMINER

TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/780,528

Applicant(s)

GILBERT ET AL.

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 19-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 19-29 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Applicant's election with traverse of Vehicle mirror with a light in Paper No. 6 is acknowledged. The traversal is on the ground(s) that while the claims of the present invention may arguably be properly classified as proposed, the actual search required to be conducted with respect to any one particular group will, in all probability, entail searching in multiple classes and subclasses. This is not found persuasive because inventions of groups I (vehicle mirror with a light), II (vehicle mirror with an intercom system) and III (control system for adjustable interior components) are independent (i.e. no disclosed relation therebetween) These inventions are distinct if it can be shown as three different combinations, not disclosed as capable of use together, having different modes of operation, different functions or different effects (MPEP 806.04). In the instant case:

- Group I is separate and distinct from Group II because Group II is a combination of vehicle mirror and an intercom system and do not require a light with vehicle mirror.
- Group I is separate and distinct from Group III because Group III is a combination of vehicle mirror and control system for adjustable interior components of the vehicle and do not require a light with vehicle mirror.
- Group II is separate and distinct from Group III because Group III is a combination of vehicle mirror and control system for adjustable interior

components of the vehicle and do not require the intercom system with vehicle mirror.

Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II and Group III, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *reflector for directing light (claim 2, line 2)* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: specification does not disclose a *reflector for directing light (see claim2, line 2)*.

Appropriate correction is required.

### ***Claim Objections***

Claims **3-5, 16** are objected to because of the following informalities:

Referring to Claim **3** it is unclear what Applicant intends by “*mirror of claim 1 wherein said reflector is pivoted...for providing illumination*”. Claim 1 does not disclose ***reflector***, but discloses ***reflective element*** which is mirror and mirror does not provide the illumination.

Claims 4, 5 are rejected as claim as claim depended on claim 3.

Claim 16 should be depended on claim 15 instead of claim 18.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pastrick (US 5,497,306) (sited by Applicant).

Referring to Claim 1 Pastrick discloses (Fig.1) a vehicle mirror having:

- a mirror housing [34] containing a reflective element [28];
- an attachment portion [36 and 38] attached to a vehicle for securing the mirror to the vehicle;
- a lights [30, 32] including a positionable light source (Abstract, lines 2, 3).

Referring to Claims 3, 4 as best understood, Pastrick discloses (Fig.8) a reflecting element [28] mounted to the housing by positioning device (actuator) [42] which provides remote positioning of reflecting element on two orthogonal axes. Actuator receives electrical signals in order to pivot the reflecting element in two axis (col. 5, lines 51-56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick (US 5,497,306) in view of Duchenne et al. (US 6,039,466).

Pastrick discloses (Fig.8) the vehicle mirror having a light system including a lens housing (not indicated by number) disposed on the bottom of the mirror housing [34], a reflector [62] for directing light and a light source [60a].

Pastrick disclose the instant claimed invention except for reflector is movable within the housing.

Movable reflectors are well known in the art automotive light industry and used to provide reflection of light beams with different direction. Duchenne et al. disclose (Fig.1) a vehicle headlight having a movable reflector [30]. Adjusting device is provided for varying the orientation of the beam (Abstract, lines 5-8).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the reflector of the vehicle mirror of Pastrick being movable as taught by Duchenne et al. for purpose of providing the varying orientation of the light beam.

#### ***Allowable Subject Matter***

Claims 5-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 5 the prior art of record fails to show the mirror wherein the lens configured to provide a plurality of optical light outputs depending on the position selected for the reflector.

Claim 6 is objected as claim depended on claim 5.

Claims 7-11 are objected as claims depended on claim 6.

Claim 12 is objected as claim depended on claim 11.

Claims 13, 14 are objected as claims depended on claim 12.

Claims 15, 17, 18 are objected as claim depended on claim 14.

Claim 16 is objected as claim depended on claim 15.

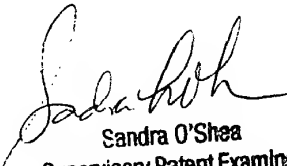
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.  
January 16, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

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